

Remarks

The above-referenced application has been reviewed in light of the Examiner's Office Action dated June 22 2006. Claim 1 has been amended. No new matter has been added. Claims 1-10 are currently pending in this application. The Examiner's reconsideration of the rejections in view of the above amendments and the following remarks is respectfully requested.

The specification section "Cross-Reference to Related Applications" was amended to update the serial numbers and filing dates of closely related applications filed concurrently with the instant application.

Independent Claim 1 has been amended to further clarify the Applicants' invention.

35 U.S.C. § 102(e)

The examiner has rejected claims 1, 2, 4, 6, 7, and 9 under 35 USC § 102(e) as being anticipated by Vogel (6,804,262). The applicants respectfully traverse the rejection and provide the following reasons for reconsideration.

In order to reject a claim based on 35 U.S.C. § 102(e) as being anticipated by prior art, each and every element of the claim must be anticipated by the prior art. Amended claim one recites, among other things, " In a multi-mode bi-directional communications device, an apparatus for processing received downstream data comprising . . . a tuner . . . a demodulator . . . a first filter adapted for selective coupling between the tuner and the demodulator . . . and a second filter adapted for selective coupling between the tuner and the demodulator, wherein said first filter and said second filter are both adapted for filtering a full bandwidth channel between said tuner and said demodulator." Support for this claim can be found on page 5, line 23 to page 6, line 4.

Vogel teaches a cable modem including a first filter connected between a tuner and a demodulator for filtering a channel, and a second filter connected through a switching circuit in series between the first filter and the demodulator. The second filter is not a filter for filtering a full bandwidth channel, but rather for filtering a portion of the channel (see column 9 line 41 to column 10 line 25) The purpose of the second filter in Vogel is not for channel recovery but rather for determination of the presence of a signal within the channel, and therefore not a full bandwidth channel. Once the incoming signal is passed through both the first filter and the

second filter, as described in Vogel, the signal is no longer a signal containing all of the data within a full bandwidth channel and therefore capable of being properly demodulated.

In contrast, the present invention includes a first filter and a second filter, where both filters are adapted for filtering a full bandwidth channel. The first and second filters each have a filter bandwidth capable of receiving a full bandwidth channel. The capability of receiving a full bandwidth channel is an important aspect of the invention based on its use in a multi-mode bi-directional communications device. Therefore, it is respectfully proposed that the rejection of claim 1 under 35 U.S.C. § 102(e) is overcome in accordance with the above remarks and notice to that effect is earnestly solicited.

Dependent claims 2, 4, 6, 7, and 9, being dependent on and further limiting independent claim 1, should be allowable for that reason, as well as for the additional recitations that they contain. Therefore, it is respectfully proposed that the rejection of claims 2, 4, 6, 7, and 9 under 35 U.S.C. § 102(e) is overcome in accordance with the above remarks and notice to that effect is earnestly solicited.

35 U.S.C. § 103(a)

The examiner has rejected claims 3 and 8 under 35 USC 103(a) as being unpatentable over Vogel in view of Uskali. Dependent claims 3 and 8, being dependent on and further limiting independent claim 1, should be allowable for that reason, as well as for the additional recitations that they contain. Therefore, it is respectfully proposed that the rejection of claims 3 and 8 under 35 U.S.C. § 103(a) is overcome in accordance with the above remarks and notice to that effect is earnestly solicited.

The examiner has rejected claim 5 under 35 USC 103(a) as being unpatentable over Vogel in view of Atokawa. Dependent claim 5, being dependent on and further limiting independent claim 1, should be allowable for that reason, as well as for the additional recitations that they contain. Therefore, it is respectfully proposed that the rejection of claim 5 under 35 U.S.C. § 103(a) is overcome in accordance with the above remarks and notice to that effect is earnestly solicited.

The examiner has rejected claim 10 under 35 USC 103(a) as being unpatentable over Vogel in view of Widmer. Dependent claim 10, being dependent on and further limiting independent claim 1, should be allowable for that reason, as

well as for the additional recitations that they contain. Therefore, it is respectfully proposed that the rejection of claim 10 under 35 U.S.C. § 103(a) is overcome in accordance with the above remarks and notice to that effect is earnestly solicited.

All issues raised by the Examiner having been addressed, reconsideration of the rejections and an early and favorable allowance of this case is earnestly solicited. However, if the Examiner takes the position that allowance is not yet appropriate, the Examiner is encouraged to contact the Applicant's attorney at the phone number indicated below so that a mutually convenient date and time for a telephonic interview may be scheduled. No fee is believed due with regard to the filing of this amendment. However, if a fee is due, please charge Deposit Account No. 07-0832.

Respectfully submitted,
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